



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[RTID 0648-XG055; Docket No. 260611-0141]

Pacific Halibut Fisheries of the West Coast; Inseason Action for the 2026 Area 2A

Pacific Halibut Directed Commercial Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS announces an inseason action for the 2026 Pacific halibut non-Tribal directed commercial fishery in the International Pacific Halibut Commission's (IPHC) regulatory Area 2A. This action adds a fishing period, September 15 through September 17, 2026, with a fishing period catch limit of 5,000 pounds (lb) (2.27 metric tons (mt)) per vessel, dressed weight. This action is intended to provide additional opportunity for the fleet to achieve the 2026 non-Tribal directed commercial fishery allocation.

DATES: This rule is effective September 15, 2026, at 8 a.m. Pacific daylight time (PDT), through September 17, 2026, at 6 p.m. PDT.

FOR FURTHER INFORMATION CONTACT: Louis Forristall, West Coast Region, NMFS, (503) 230-5410, louis.forristall@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On June 16, 2026, NMFS published a final rule implementing fishing periods (*i.e.*, season dates) and fishing period limits (*i.e.*, vessel catch limits) for the IPHC Area 2A Pacific halibut non-Tribal directed commercial fishery that operates south of Point Chehalis, WA, lat. 46°53.30' N (91 FR 36094). The Area 2A non-Tribal directed

commercial fishery allocation for 2026 is 261,211 lb (118 mt), net weight (*i.e.*, the weight of Pacific halibut that is without gills and entrails, head off, washed, and without ice and slime) (91 FR 14464, March 25, 2026).

The initial fishing periods for the 2026 fishery occurred June 23-25 and July 7-9, 2026, with fishing period limits ranging from 2,000 to 5,000 lb (0.907 to 2.268 mt), varying by vessel size class. Third, fourth, and fifth fishing periods were added through inseason actions on July 20, 2026 (91 FR 45224), August 6, 2026 (91 FR 50726), and August 28 (91 FR 55497), respectively. The third fishing period occurred between July 21 and 23, 2026; the fourth occurred between August 18 and 20, 2026; and the fifth occurred between September 1 and 3, 2026. All three additional periods had 5,000-lb (2.27-mt) fishing period limits for all vessels. Landings information to date indicates that sufficient allocation remains to warrant another additional, sixth fishing period without exceeding the allocation. Approximately 223,761 lb (101 mt) net weight have been harvested of the 261,211 lb (118 mt) allocation (86 percent) through September 10, 2026, leaving 37,450 lb (17 mt) remaining (14 percent).

NMFS is implementing an additional fishing period via inseason in accordance with 50 CFR 300.63(e)(1)(iii). Consistent with 50 CFR 300.63(e)(1)(ii), and the final rule for the 2026 fishery, fishing period limits for any additional fishing period(s) implemented through inseason action will be equal across vessel size classes and developed based on the estimated remaining allocation to date, projected participation, and catch rates.

NMFS has determined that the following inseason action is necessary to meet the management objective of attaining the non-Tribal directed commercial fishery's 2026 allocation, not anticipated to risk exceeding the allocation, and consistent with the inseason management provisions at 50 CFR 300.63(e)(1)(iii).

Inseason Action

This inseason action implements an additional fishing period, beginning September 15, at 8 a.m. PDT and ending on September 17, at 6 p.m. PDT. This inseason action also implements a fishing period catch limit of 5,000 lb (2.27 mt) per vessel, dressed weight (head on, with ice and slime), for all vessel size classes, during this fishing period.

On September 10, 2026, notice of this inseason action was sent via email notification directly to the affected public.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(e)(1)(iii) and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. There is good cause to waive prior notice and an opportunity for public comment on this inseason action because the public had an opportunity to comment on the final rule implementing the 2026 non-Tribal directed commercial Pacific halibut fishery in Area 2A. The final rule specifically provided that additional fishing periods and fishing period limits may be set through inseason action during the 2026 fishing season, in accordance with 50 CFR 300.63(e)(1)(iii), if another fishing period(s) is deemed necessary to attain the 2026 allocation. The final rule further specified that NMFS would implement additional 58-hour fishing periods every 2 weeks, and that if a fishing period could not be scheduled in time it would take place on the next 2-week interval. The sixth fishing period would follow this pattern, beginning 2 weeks after the fifth fishing period on September 15, 2026, at 8 a.m. PDT and closing on September 17, 2026, at 6 p.m. PDT. The final rule for the 2026 non-Tribal directed commercial fishery was subject to notice and comment

rulemaking. Therefore, the public had specific notice and an opportunity to comment on NMFS' intent to implement inseason action to open this sixth fishing period for the non-Tribal directed commercial fishery during that rulemaking process.

Additionally, the California, Oregon, and Washington Departments of Fish and Wildlife provide estimated harvest data to NMFS in season, tracking the estimated catch of Pacific halibut within the fishery to date. As of September 10, 2026, Area 2A non-Tribal directed commercial fishery caught an estimated 86 percent of the fishery's 2026 allocation. NMFS uses current fishery harvest and participation estimates, and fishing period catches from prior years, to determine whether additional fishing periods are necessary to reach the fishery's annual allocation, and to set fishing period limits for any additional fishing periods set through inseason action. Given that harvest in the first five fishing periods for the 2026 fishery is estimated to be below the allocation, a sixth fishing period is considered necessary to maximize the opportunity and likelihood that the fishery will attain its 2026 allocation.

The final rule implementing the 2026 fishing season sets the regulated public's expectations for both the initial and additional fishing periods for the fishery by setting a prescribed schedule in the final rule (91 FR 36094, June 16, 2026). The regulated public needs sufficient time to plan for additional fishing periods and makes business planning decisions for the 2026 season, accordingly. The annual directed commercial fishing season for Pacific halibut in Area 2A is relatively short and occurs primarily during the summer months. The landings information needed to determine if additional openers are warranted is not available until less than 2 weeks before the additional opener would begin. Conducting notice and comment rulemaking to implement these additional openers would result in them being implemented well after the summer months. As such, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants and there is good cause to waive notice

and comment rulemaking under 5 U.S.C. 553(b)(B). Specifically, delaying this inseason action for notice and comment rulemaking would be impracticable and contrary to the public interest because it would limit the rule's ability to create meaningful opportunity for the fishery to achieve its 2026 allocation. Without implementation of an additional fishing period, the fishery allocation would not be reached. This would eliminate economic benefits for fishery participants and be inconsistent with the goals of the Catch Sharing Plan. Finally, no aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(e)(1)(iii) and in the final rule (91 FR 36094, June 16, 2026).

NMFS has also determined that the 30-day delay in the date of effectiveness required by 5 U.S.C. 553(d) does not apply to this inseason action because this action relieves a restriction on the fishery and there is good cause to waive the requirement pursuant to 5 U.S.C. 553(d)(1) and (d)(3), respectively.

The 30-day delay in effective date requirement pursuant to 5 U.S.C. 553(d)(1) does not apply to this inseason action because this inseason action relieves a restriction by allowing participants to fish on the additional fishing dates described above. Waiving the 30-day delay in effectiveness thus provides additional opportunity for commercial Pacific halibut fishermen to harvest Pacific halibut and increases the likelihood of full utilization of the 2026 allocations in Area 2A.

Additionally, there is good cause pursuant to 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after the date of publication, as a delay in effectiveness of this action would: (1) constrain fishing opportunity; (2) be inconsistent with the goals of the Catch Sharing Plan; and (3) potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow for implementing additional fishing periods and setting period limits for the directed commercial fishery inseason to provide opportunity for the fishery to achieve its annual

allocation, so long as this additional fishing will not result in exceeding the catch limit for the fishery. NMFS recently received landings data for the non-Tribal directed commercial fishery that indicates that an additional fishing period is necessary to ensure optimal harvest of the allocation. The non-Tribal directed commercial fishery's season is limited. Thus, timely action to implement additional fishing periods is necessary to achieve the allocation. It is therefore in the public interest that this action is not delayed, because a delay in the effectiveness of this additional fishing period could prevent the allocation objectives of the Area 2A Pacific halibut non-Tribal directed commercial fishery from being met.

Authority: 16 U.S.C. 773-773k.

Dated: September 11, 2026.

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